



Appeal Decision

Site visit made on 2 September 2025 by T Morris BA (Hons) MSc

Decision by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th November 2025

Appeal Ref: APP/B0230/D/25/3370282

48 Cutenhoe Road, Luton LU1 3NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Syed Shah and Ms Syeda Kausar against the decision of Luton Borough Council.
 - The application Ref is 25/00071/FULHH.
 - The development proposed is erection of a two storey side/rear extension, alterations to roof from hip to gable end with rear dormer and three rear rooflights to facilitate a loft conversion with Juliet balcony, erection of a rear outbuilding and gazebo/ pergola and a front porch.
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Decision

1. The appeal is dismissed insofar as it relates to the two storey side/rear extension, alterations to roof from hip to gable end with rear dormer and three rear rooflights to facilitate a loft conversion with Juliet balcony and a front porch. The appeal is allowed insofar as it relates to the erection of a rear outbuilding and gazebo/ pergola. Planning permission is therefore granted for the erection of a rear outbuilding and gazebo/ pergola at 48 Cutenhoe Road, Luton, LU1 3NE, in accordance with the terms of the application reference 25/00071/FULHH, subject to the following conditions.
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans insofar as they relate to the erection of a rear outbuilding and gazebo/ pergola only: drawing nos 2211/24-P01 Rev A (Existing Location Plan), 2706/24-P03 Rev A (Block Plan), 2211/24-P19 (Proposed Out-Building) and 2211/24-P20 (Proposed Out-Building).
 - 3) No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the rear outbuilding and gazebo/ pergola hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. It is clear from the Council's officer report that they have no concerns regarding the proposed gazebo/ pergola. I see no compelling reasons to disagree with their findings on this element of the scheme. My recommendation is therefore focussed on the proposed extensions to the host dwelling, as well as the proposed outbuilding.
4. The Council's second reason for refusal is focussed on the proposed outbuilding. The wording in the refusal reason principally relates to the size of the outbuilding and suggests it would be greater than that which would be reasonably required to serve a purpose incidental to the enjoyment of the dwelling. However, the reasoning within the officer report makes clear that the Council's concern in this regard relates to character and appearance. I have taken this into account under the third main issue.

Main Issues

5. The main issues are:
 - i) the effect of the proposed extensions on the character and appearance of the host dwelling and the surrounding area,
 - ii) the effect of the proposed extensions on the living conditions of occupiers of 46 and 50 Cutenhoe Road, in terms of privacy; and,
 - iii) the effect of the proposed outbuilding on the character and appearance of the area.

Reasons for the Recommendation

Character and appearance - extensions

6. The appeal property is a two-storey dwelling with a hipped roof situated in a residential area. The street scene is generally characterised by two-storey dwellings with some variety to their appearance. There is a mix of hipped and gable roof forms and some of the dwellings have been extended, such as those referred to by the appellant. However, the appeal property and those in the immediate vicinity have a coherent appearance. Even accounting for extensions, they feature hipped roof forms and plain roof slopes. The coherent roofscape of these dwellings together with their reoccurring bay windows and materials contributes positively to the character and appearance of the otherwise varied street scene.
7. Despite the use of matching materials, the design of the extensions including the gable roof form and the dormer windows would undermine the plain and coherent roof form of the host dwelling and those in the immediate vicinity. Furthermore, due to its considerable scale and its flat roof design, the rear dormer window would be a bulky and incongruous addition to the rear roof slope of the host dwelling. The flat roof of the two-storey rear extension would further deviate from the original form of the property. Consequently, the proposed extensions would be discordant additions to the host dwelling and would erode the consistency of the group of dwellings it sits within.
8. I also observed on my site visit that some of the gaps between the dwellings in the street have been partly eroded through development. However, even where this

has occurred, such as the examples referred to by the appellant, smaller gaps are still retained, and larger gaps are still predominant. The gaps between the dwellings create a sense of space between the buildings and contributes to an open character which is a positive feature in the street scene.

9. In contrast, the block plan (drawing no: 2706/24-P03) clearly shows that the proposed extensions would be built right up to the boundary with No 46 Cutenhoe Road (No 46). No physical gap would be retained between the dwellings when viewed from the street. Consequently, this would result in an unacceptable terracing effect between the appeal property and its neighbour. The consequences of this would also be worsened by the close proximity of the gable end of the extension which would jar with the hipped roof of No 46 immediately adjacent.
10. For these reasons, I conclude that the proposed extensions would be harmful to the character and appearance of the host dwelling and the surrounding area. The proposal would conflict with Policies LLP1, LLP19 and LLP25 of the Luton Local Plan (LP) (2017), which amongst other matters, require that the design of extensions should be consistent with the principal dwelling, that roof styles should be in keeping with the original roof and that prevailing gaps and spaces between buildings should be respected.

Living conditions

11. No 46 and No 50 Cutenhoe Road (No 50) are semi-detached dwellings situated either side of the appeal property. The rear elevations of the host dwelling and the neighbouring dwellings either side are positioned more or less in line with each other. The aspect from the rear elevations is relatively wide and the rear windows overlook the spacious rear gardens of the dwellings.
12. Despite the scale and design of the extensions, the rear facing dormer window and the two-storey rear extension would not project significantly beyond the rear elevations of No 46 and No 50 either side. Therefore, these features would not be intrusive to occupiers when viewed from the rear windows of the neighbouring properties. Although the single storey rear extension would be deeper, given its limited height, it would not be overly intrusive when viewed by occupiers from the rear windows of the neighbouring properties.
13. The rear extensions would also be visible from the rear gardens of No 46 and No 50. However, given the generous size and spaciousness of the rear gardens, the extensions would not be unacceptably intrusive when viewed by occupiers from the rear gardens of the neighbouring properties. Therefore, although I have found that the extensions would be harmful in terms of character and appearance, this would not equate to harm to the living conditions of occupiers of the neighbouring properties.
14. I therefore conclude that the proposed extensions would not be harmful to the living conditions of neighbouring occupiers, in terms of privacy. On this main issue, the proposal would comply with Policies LLP1, LLP19 and LLP25 of the LP, which amongst other matters, state that extensions should not adversely affect the amenity of nearby occupiers in terms of privacy and visual intrusion.

Character and appearance - outbuilding

15. The rear garden of the appeal property is substantial in size, as are the rear gardens of the adjacent dwellings. The rear gardens are also mostly open, aside from a large outbuilding at the end of the garden of No 46. The side boundaries to the rear gardens adjacent are mostly formed of wooden panel fences. However, there is significant planting along part of the boundary to No 50, as well as planting within the rear garden of the appeal property itself. There is also a dense group of trees to the rear of the appeal site. The spacious rear gardens together with the trees and planting in the surroundings contributes to an open and verdant character, factors which contribute positively to the character and appearance of the area.
16. The evidence before me indicates that the Council are primarily concerned with the size and the intended use of the proposed outbuilding. However, the appellant has confirmed that their intention is for the outbuilding to be used as a playroom, office and storage area. I also note that the outbuilding would be located at the end of the rear garden of the appeal property and there is no indication that it would have a separate access. Accordingly, I have no reason to doubt that the outbuilding would be used in association with the host dwelling.
17. Although I acknowledge that the footprint of the outbuilding would be considerable, it would nevertheless be single storey and would be situated at the end of the spacious rear garden of the appeal property. Even accounting for the pergola, most of the rear garden of the dwelling would remain open. The outbuilding would also benefit from the backdrop of trees to the rear of the site and would be partly enclosed by the planting to the side boundary of No 50, so much so that it would not appear as an entirely isolated structure. Therefore, whilst the outbuilding would be large, the circumstances of the site are such that it would not unacceptably erode the open and verdant characteristics of the appeal site.
18. Furthermore, I am mindful of the presence of the large outbuilding at the end of the rear garden of No 46. The outbuilding at No 46 is a prominent feature in the rear garden area and is visible above the fence line between the properties. I do not have the dimensions of the outbuilding at No 46 in order to make a full comparison with the outbuilding proposed at the appeal property. However, even if the proposed outbuilding is slightly larger, given the considerable scale of the one at No 46, it is likely to have a similar visual effect when experienced in the rear garden area of the dwellings. Therefore, given that the proposed outbuilding would in effect sit alongside the outbuilding at No 46, to my mind, this further indicates that it would not be an incongruous feature in the area.
19. I therefore conclude that the proposed outbuilding would not be harmful to the character and appearance of the area. On this matter, the Council have cited harm with Policy LLP19(b) of the LP. However, this relates to annexes. The wording in the policy refers to the provision of accommodation for dependant relatives. As that is not the proposal before me, this policy does not seem to be directly relevant. Having had regard to the policies provided by the Council, I am satisfied that the outbuilding would comply with the development plan when taken as a whole.

Other Matters

20. Third party comments have raised concerns that the outbuilding and the pergola would contribute to a loss of privacy at neighbouring properties. However, given

that these structures would be single storey and would be enclosed within the rear garden of the appeal property, together with the boundary treatment between the properties, they would not directly overlook the neighbouring gardens. They would also be located towards the end of the rear garden and away from the rear elevations of the dwellings either side. I am therefore satisfied that the outbuilding and pergola would not result in an unacceptable loss of privacy at the neighbouring properties.

21. Concerns were also raised in relation to how surface water drainage would be managed for the outbuilding, noting that the rear gardens suffer from waterlogging. However, the outbuilding would be set in from the boundaries to the neighbouring properties, and the rear garden would be mostly retained with soft surfacing. Furthermore, there is limited detailed evidence before me of the particular flood-risk issues which are referred to in the comments. Therefore, there is insufficient detailed evidence before me which clearly indicates that planning permission for the outbuilding should be withheld on the grounds of surface water run off and flood risk matters.
22. I am also conscious of the concerns regarding the accuracy of the dimensions of the outbuilding in the submitted plans. However, I have considered the appeal on the basis of the plans before me which are the same plans that the Council made their decision on. The dimensions referred to in the Council's officer report also seem to be consistent with the dimensions annotated on the plans. In the event that the appeal is allowed, this is also predicated on the development to be implemented in accordance with the approved plans, which includes those dimensions annotated. I am therefore satisfied that the plans and the dimensions therein are sufficiently accurate.
23. I have found that the proposed outbuilding and the pergola would be acceptable. As they are clearly separate from the host dwelling, I am satisfied that these elements are clearly severable from the other elements of the proposal, that being the extensions to the host dwelling.

Conditions

24. I have included conditions requiring that the approved elements of the proposed development are to be commenced within the standard time period as well as referring to the approved plans insofar as they relate to the matters granted planning permission only. This is in the interests of certainty and clarity.
25. The Council have requested a condition requiring that the external surfaces shall match those used in the existing building. However, as the outbuilding and pergola are physically separate to the host dwelling, it may not be necessary for their external materials to match the host dwelling. For these reasons and also being mindful of the limited details of the materials to be used on the plans, I have included a condition requiring that the appellant submits the full details of the materials to be used prior to their use. This is in the interests of the character and appearance of the appeal site and surrounding area.
26. The Council have also requested conditions requiring that the appeal site is not subdivided and that the outbuilding is not occupied as a separate or self-contained living environment, including limiting the installation of certain facilities, as well as its physical severance from the original dwelling. However, there is no evidence before me that it is the intention of the appellant to use the outbuilding or pergola

for such purposes. In any event, if the outbuilding was used as a separate dwelling or self-contained accommodation, this would be a matter for the Council to investigate and would likely necessitate the requirement for planning permission. Consequently, such conditions are not necessary in this instance.

27. The Council's other suggested conditions in relation to window openings, the use of the building/site as a single-family dwelling under Use Class C3 and the restriction of the storage of waste bins in the front garden seem to relate to the extensions to the host dwelling. Such conditions are not therefore necessary to this recommendation which would allow the outbuilding and pergola.

Conclusion and Recommendation

28. For the reasons given above, I recommend that the appeal should be allowed in part and dismissed in part.

T Morris

APPEAL PLANNING OFFICER

Inspector's Decision

29. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed in part and dismissed in part.

A M Nilsson

INSPECTOR